

1 THE HONORABLE RICHARD A. JONES
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ABDIQAFAR WAGAFE, *et al.*, on behalf
11 of themselves and others similarly situated,

12 Plaintiffs,

13 v.

14 DONALD TRUMP, President of the
15 United States, *et al.*,

16 Defendants.

17 No. 2:17-cv-00094-RAJ

18 **PLAINTIFFS' OPPOSITION TO
19 DEFENDANTS' MOTION TO REDACT
20 PORTIONS OF THE MAY 28, 2020
21 HEARING TRANSCRIPT**

22 NOTE ON MOTION CALENDAR:
23 July 24, 2020

24 The Court should deny Defendants' motion to redact portions of the May 28, 2020
25 hearing transcript. The Court's statement that Defendants seek to redact (pg. 14, lines 23-24)
26 was simply introductory of the topic to be discussed, and the balance are statements that counsel
for Defendants themselves made. The substance of each of Defendants' statements (pg. 16, lines
12-16, and pg. 17, lines 6-9) had already been publicly made by Defendants in prior court
submissions. *See, e.g.*, Dkt. 226-01 at 9. There is no basis for now redacting these statements
from the public record.

27 A party seeking to seal a judicial record, such as a hearing transcript, must "articulate
28 compelling reasons supported by specific factual findings...that outweigh the general history of
29 access and the public policies favoring disclosure such as the public interest in understanding the
30 judicial process." *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006);

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2 *see also Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003) (“In this
3 circuit, we start with a strong presumption in favor of access to court records.”); *TriQuint
4 Semiconductor Inc. v. Avago Techs. Ltd.*, No. CV-09-1531-PHX-JAT, 2012 WL 1432519, at *2
5 (D. Ariz. Apr. 25, 2012) (denying parties’ “ex-post facto” request to redact hearing transcript);
6 *Vesta Corp. v. Amdocs Mgmt Ltd.*, 312 F. Supp. 3d 966, 971 (D. Or. 2018) (same).
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8 Defendants fail to demonstrate a compelling reason, supported by specific factual
9 findings, that would justify redacting portions of the judicial record. The Court should deny the
10 Defendants’ motion to redact the May 28, 2020 hearing transcript.
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1 Respectfully submitted,

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PLAINTIFFS' OPPOSITION TO DEFENDANTS'
MOTION TO REDACT PORTIONS OF THE MAY 28,
2020 HEARING TRANSCRIPT
(No. 2:17-cv-00094-RAJ) - 3

DATED: July 20, 2020

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s/ Heath L. Hyatt

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